

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, May 17, 2006 – 9:00 a.m. – Room W020 House Building

Members Present:

Sen. D. Chris Buttars, Chair
Rep. DeMar "Bud" Bowman, Chair
Sen. Allen Christensen
Sen. Fred J. Fife
Sen. Mark B. Madsen
Rep. J. Stuart Adams
Rep. D. Gregg Buxton
Rep. LaVar Christensen
Rep. Patricia W. Jones

Rep. David Litvack
Rep. Michael T. Morley
Rep. Curtis Oda
Rep. Paul Ray

Staff Present:

Mr. Stewart E. Smith, Policy Analyst/Special Projects Manager
Ms. Susan Creager Allred, Associate General Counsel
Ms. Wendy Bangerter, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Buttars called the meeting to order at 9:05 a.m.

MOTION: Rep. Jones moved to approve the minutes of the April 19, 2006 meeting. The motion passed unanimously with Sen. Madsen absent for the vote.

Chair Buttars informed the Committee that Rep. Jennifer M. Seelig would be sworn in later today and would replace resigning Rep. Duane Bourdeaux on this Committee.

2. Law Enforcement Agencies' Access to the Criminal Justice Information System

Mr. Philip Bates, Information Technology Director, DPS (Department of Public Safety), assisted by Mr. Mike Sadler, Program Manager - UCJIS (Utah Criminal Justice Information System), DPS, gave an overview of UCJIS and a presentation of the usage of laptops and online information by the UHP (Utah Highway Patrol) and other law enforcement agencies in the state. Mr. Bates explained the present need to expand the capacity and efficiency of UCJIS.

Captain Robert Anderson, UHP, distributed and reviewed a breakdown of the costs associated with the technology for field troopers and UHP investigators, with the goal of creating a four-year hardware and software rotation system. He noted that grants have made it possible for them to fund communication systems for outlying areas of Utah, but emphasized that without continued grant money, they will not be able to fund that ongoing service and support.

3. Penalty Enhancements

Ms. Susan Allred explained the "Summary of Utah's Current Penalty Enhancement Statutes" included in the packet. She indicated the enhancements are listed in crime categories for the Committee's reference in considering consistency, appropriateness, and effectiveness. She explained the work of the Anomalies Subcommittee that regularly addresses penalty enhancements.

Representative Wayne Harper discussed penalty policy, the purpose of penalty enhancements, and their effectiveness. He reviewed four categories of penalties and their enhancements: 1) repeat/multiple offenses; 2) severity of crimes; 3) aggravation of crimes; and 4) enhancements for special classes or groups. He requested that this Committee review crimes and fit the penalty to the crime in statute.

Mr. Dennis Goreham, Director, AGRC (Automated Geographic Reference Center) showed maps of four Utah city areas and where the drug-free zones are located that are subject to enhancements, including where the various zones overlap. He indicated how the GIS (Geographic Information System) can help law enforcement. He reviewed several ways that other state agencies use GIS.

Mr. Mike Heagin, AGRC, reviewed the maps for the varied information they provide and how the maps and information can be used.

Committee members questioned the value of drug-free zones with their enhanced penalties in densely populated areas.

Mr. Tom Patterson, Director, Utah Sentencing Commission, addressed the recommendation of the Sentencing Commission to review the drug free zones regarding legislative intent. He spoke of the possible disparity of treatment in using penalty enhancements for sentencing. He spoke in favor of the DORA (Drug Offender Reform Act) as a valuable tool.

4. Utah Department of Corrections Ten-Year Plan

Mr. Scott Carver, Executive Director, UDC (Utah Department of Corrections), distributed and reviewed the "Ten-Year Inmate Housing Plan Update" from UDC. He discussed issues relating to prison overcrowding and the future needs for more prison beds and treatment resources. He emphasized that treatment does work and would serve to decrease inmate growth. In response to requests from committee members, Mr. Carver agreed to return with more specific information regarding DORA and how treatment helps reduce the need for beds, as well as the percentage of repeat offenders. He invited the Committee to tour or even hold a committee meeting at one of the correctional institutions.

5. Other Items/Adjourn

Ms. Michelle Christiansen, Executive Director, CCJJ (Commission on Criminal and Juvenile Justice), stated that because funding for DORA came through the Department of Health and the Department of Human Services, DORA updates are being reported to the Health and Human Services Interim Committee. She requested that CCJJ also be allowed to report to this Committee.

Mr. Steve Erickson, Citizens Education Project, informed the Committee of a national study finding that drug penalty enhancement zones are not effective in protecting children. He referred committee members to the project's website for more information: www.citizenproject.org.

Sen. Buttars reported on a DNA symposium he attended and how DNA collection, storage, and use issues are affecting many aspects of government and criminal law.

MOTION: Sen. Christensen moved to adjourn the meeting. The motion passed unanimously.

Chair Buttars adjourned the meeting at 11:00 a.m.